#### ORDINANCE NO. 2416

CITY ORDINANCE OF THE OF REDMOND. WASHINGTON, PROVIDING FOR THE ACQUISITION, CONDEMNATION. APPROPRIATION, AND TAKING OF WATER WATER. SEWER. AND STORM **PIPELINE** EASEMENTS AND A FEE INTEREST TO CERTAIN REAL ESTATE COMMONLY KNOWN AS THE HINES LAGUNA CAMPUS PROPERTY AND LOCATED ON NE 36TH STREET AT SR 520, FOR THE PURPOSE OF CONSTRUCTING STREET, SIDEWALK, AND UTILITY IMPROVEMENTS ASSOCIATED WITH THE NE 36TH STREET AT SR 520 BRIDGE PROJECT; PROVIDING THAT THE ENTIRE COST THEREOF SHALL BE PAID FROM AVAILABLE FUNDS: AND DIRECTING ATTORNEYS RETAINED BY THE CITY OF REDMOND TO PROSECUTE THE APPROPRIATE LEGAL PROCEEDINGS PROVIDED FOR SAID CONDEMNATION.

WHEREAS, the City of Redmond plans to construct street, sidewalk, and utility improvements as part of the NE 36th Street at SR 520 Bridge Project #101040; and

WHEREAS, it is necessary to acquire a portion of a parcel of real estate commonly known as the Hines Laguna Campus property for the purpose of constructing the improvements; and

WHEREAS, the City is in the process of negotiating a voluntary purchase agreement to acquire the necessary property and property rights and an agreement granting the City immediate possession of the property so construction can begin, but agreement with the owners may not be reached in the time needed to meet the City's construction schedule; and

WHEREAS, the owners were notified of the Redmond City Council's intent to consider this condemnation ordinance by mail and by publication as required by RCW 8.25.290; and

WHEREAS, the City Council has determined to condemn the necessary property and property rights.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Need for Property – Public Use. The public health, safety, and welfare demand that the City of Redmond construct street, sidewalk, and utility improvements and complete the NE 36th Street at SR 520 Bridge Project. The improvements to be constructed include, but are not limited to, the construction of a freeway overpass over SR 520 at NE 36th Street, the construction of sidewalks, the installation of water, sewer, and storm water pipelines, and the construction and installation of all necessary appurtenances and related work to make a complete improvement in accordance with City standards. The public health, safety, and welfare further demand that the City acquire the property and property interests necessary to construct said public improvements. The City is authorized to condemn property for the purposes stated in this Section by RCW 8.12.030.

Section 2. Declaration of Necessity. The City Council of the City of Redmond, after hearing the report of the City's Public Works Department and reviewing the planned improvements, hereby finds and declares that a fee simple interest in the property legally described on Exhibit A attached hereto and incorporated herein by this reference as if set forth in full is necessary for the public use and purpose of constructing the street and sidewalk improvements described in Section 1 above. The City Council also finds and declares that water, sewer, and storm water utility easements in the property legally described on Exhibits B, C, and D attached hereto and incorporated herein by this reference as if set forth in full are necessary for the public use and purpose of constructing the water, sewer, and storm water improvements described in Section 1 above.

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Section 3. Condemnation. The fee interest and utility easements described in the attached exhibits are hereby condemned, appropriated, taken, and damaged for the purpose of constructing the NE 36th Street at SR 520 Bridge Project described in Section 1 above, together with all necessary appurtenances and related work to make a complete improvement in accordance with City standards. Condemnation of the property is subject to the making or paying of just compensation to the owners and possessors thereof in the manner provided by law.

Section 4. Authority of Attorneys. Attorneys retained by the City are hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take, and appropriate the interests necessary to carry out the provisions of this ordinance.

Section 5. Source of Funds. The entire cost of the property acquisition authorized by this ordinance, including all costs and expenses of condemnation proceedings, shall be paid from available funds as may be appropriate under the circumstances.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance, being the exercise of a power expressly granted to the City's legislative body, is not subject to referendum, and shall take effect and be in full force five days after its passage and publication of a summary as provided by law.

# ADOPTED by the Redmond City Council this day of September 2008.

APPROVED:

MAYOR JOHN MARCHIONE

ATTEST/AUTHENTICATED:

Muhelle M. M. M. C. Ehre CILY CLERK MICHELLE M. MCGEHEE, CMC

(SEAL)

APPROVED AS TO FORM:

CITY ATTORNEY AMES E. HANEY

FILED WITH THE CHTY CLERK: PASSED BY THE CITY COUNCIL:

PUBLISHED:

EFFECTIVE DATE: ORDINANCE NO. 2416

August 27, 2008 September 2, 2008 September 5, 2008 September 10, 2008

## EXHIBIT A CITY OF REDMOND-SR 520 BRIDGE

## LEGAL DESCRIPTION (RIGHT OF WAY) TO BE ACQUIRED IN FEE

## PARCEL # 644820-0030 HINES REIT LAGUNA CAMPUS, LLC

That portion of Lot T of City of Redmond Lot Line Revision No. 00-001, recorded under Recording Number 20001219900009, in the Northwest Quarter of Section 23, Township 25 North, Range 5 East, W.M., more particularly described as follows:

Commencing at SR 520 Station 504+45.87;

Thence radially, North 64°54'56" West, 130.00 feet to the Point of Beginning;

Thence North 69°25'31" West, 73.81 feet;

Thence South 27°21′24″ West, 71.74 feet to a curve to the right, concave to the Southwest, having a radius of 278.50 feet, and to which beginning a radial line bears North 69°15′28″ East; Thence Southeasterly along said curve, a distance of 35.26 feet through a central angle of 07°15′14″;

Thence South 13°29'18" East, 43.97 feet to a curve to the right, concave to the Northwest, having a radius of 2,848.00 feet, and to which beginning a radial line bears South 62°08'21" East:

Thence Southwesterly along said curve, a distance of 102.28 feet through a central angle of 02°03'27";

Thence South 31°55'33" West, 56.41 feet;

Thence South 30°50'40" West, 39.34 feet;

Thence South 32°50'44" West, 97.17 feet;

Thence South 56°18'00" East, 23.04 feet to SR520 Station 499+89.54, 130.00 feet left, to the beginning of a curve to the left, concave to the Northwest, having a radius of 2,870.00 feet and to which beginning a radial line bears South 56°12'01" East,

Thence Northeasterly along said curve, a distance of 436.56 feet through a central angle of 08°42'55" to the Point of Beginning;

Situate in the County of King, State of Washington.

Containing 15,266 square feet, more or less.

## PARCEL # 249990-0020 HINES REIT LAGUNA CAMPUS, LLC

That portion of Lot 2 FC 10.5 Hart, LLC, a Binding Site Plan, recorded under Recording Number 199805141617, in the Northwest Quarter of Section 23, Township 25 North, Range 5 East, W.M., more particularly described as follows:

Commencing at SR 520 Station 504+39.65;

Thence radially, North 64°47'48" West, 203.58 feet to the Point of Beginning;

Thence North 24°25'31" West, 27.72 feet;

Thence North 69°25'31" West, 142.04 feet to a curve to the right, concave to the Southwest, having a radius of 266.00 feet, and to which beginning a radial line bears North 32°47'45" East;

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Thence Southeasterly along said curve, a distance of 86.26 feet through a central angle of 18°34'48";

Thence South 38°37'26" East, 7.81 feet to a curve to the right, concave to the West, and having a radius of 278.50 feet;

Thence Southerly along said curve, a distance of 86.92 feet through a central angle of 17°52'55" to a non-tangent line;

Thence North 27°21'24" East, 71.74 feet to the Point of Beginning:

Situate in the County of King, State of Washington.

Containing 5,567 square feet, more or less.

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#### EXHIBIT B

#### CITY OF REDMOND-SR 520 BRIDGE

## LEGAL DESCRIPTION OF WATER PIPELINE EASEMENTS

## PARCEL # 644820-0030 HINES REIT LAGUNA CAMPUS, LLC

A 10.00-foot wide strip of land over and across that portion of Lot T of City of Redmond Lot Line Revision No. 00-001, recorded under Recording Number 20001219900009, records of King County, Washington in the Northwest Quarter of Section 23, Township 25 North, Range 5 East, W.M., lying 5.00 feet on each side of the following described center lines:

Commencing at the centerline of SR 520 at Station 502+33.64 per highway R/W plan "SR520 MP 7.04 TO MP 12.96 NORTHRUP INTERCHANGE TO JCT. SR202", approved February 6, 1969;

Thence radially, North 60°51'44" West, 152.00 feet to the Point of Beginning:

Thence North 64°53'59" West, 29.80 feet:

Thence North 22°59'02" East, 43.14 feet to a point hereinafter referred to as Point "A";

Thence North 23°08'10" East, 14.87 feet to a point hereinafter referred to as Point "B";

Thence North 23°09'12" East, 22.85 feet;

Thence North 22°04'10" West, 114.61 feet to the terminus of said center line:

#### AND

Commencing at the aforementioned Point "A";

Thence North 67°00'58" West, 12.20 feet to the terminus of said center line:

#### AND

Commencing at the aforementioned Point "B":

Thence North 64°42'22" West, 37.70 feet to the terminus of said center line.

Situate in the City of Redmond, County of King, State of Washington.

Containing an area of 1,524 square feet, more or less.

## PARCEL # 249990-0020 HINES REIT LAGUNA CAMPUS, LLC

A 10.00-foot wide strip of land over and across that portion of Lot 2 of FC10.5 Hart, LLC, a Binding Site Plan, recorded under Recording Number 199805141617, records of King County, Washington in the Northwest Quarter of Section 23, Township 25 North, Range 5 East, W.M., lying 5.00 feet on each side of the following described center lines:

Commencing at the centerline of SR 520 at Station 502+33.64 per highway R/W plan "SR520 MP 7.04 TO MP 12.96 NORTHRUP INTERCHANGE TO JCT. SR202", approved February 6, 1969;

Thence radially, North 60°51'44" West, 152.00 feet to the Point of Beginning;

Thence North 64°53'59" West, 29.80 feet;

Thence North 22°59'02" East, 43,14 feet:

Thence North 23°08'10" East, 14.87 feet to a point hereinafter referred to as Point "B":

Thence North 23°09'12" East, 22.85 feet;

Thence North 22°04'10" West, 114.61 feet;

Thence North 43°59'55" West, 51.41 feet;

Thence North 46°00'15" East, 15.13 feet to the terminus of said center line;

#### AND

Commencing at the aforementioned Point "B";

Thence North 64°42'22" West, 37.70 feet to the terminus of said center line.

Situate in the City of Redmond, County of King, State of Washington,

Containing an area of 1,794 feet, more or less.

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#### **EXHIBIT C**

#### CITY OF REDMOND-SR 520 BRIDGE

## LEGAL DESCRIPTION OF SANITARY SEWER PIPELINE EASEMENTS

## PARCEL # 644820-0030 HINES REIT LAGUNA CAMPUS, LLC

A 15.00-foot wide strip of land over and across that portion of Lot T of City of Redmond Lot Line Revision No. 00-001, recorded under Recording Number 20001219900009, records of King County, Washington in the Northwest Quarter of Section 23, Township 25 North, Range 5 East, W.M., lying 7.50 feet on each side of the following described center line:

Commencing at the centerline of SR 520 at Station 499+25.23, per highway R/W plan "SR520 MP 7.04 TO MP 12.96 NORTHRUP INTERCHANGE TO JCT. SR202", approved February 6, 1969;

Thence radially, North 54°58'36" West, 130.00 feet to the Point of Beginning:

Thence North 55°41'28" West, 48,44 feet;

Thence North 33°08'38" East, 181,91 feet:

Thence North 22°52'33" East, 139.78 feet;

Thence North 74°09'04" West, 158.61 feet;

Thence North 16°06'46" East, 195.00 feet to the terminus of said center line.

Situate in the City of Redmond, County of King, State of Washington.

Containing an area of 7,235 square feet, more or less.

## PARCEL # 249990-0020 HINES REIT LAGUNA CAMPUS, LLC

A 15.00-foot wide strip of land over and across that portion of Lot 2 of FC10.5 Hart, LLC, a Binding Site Plan, recorded under Recording Number 199805141617, records of King County, Washington in the Northwest Quarter of Section 23, Township 25 North, Range 5 East, W.M., lying 7.50 feet on each side of the following described center line:

Commencing at the centerline of SR 520 at Station 499+25.23, per highway R/W plan "SR520 MP 7.04 TO MP 12.96 NORTHRUP INTERCHANGE TO JCT. SR202", approved February 6, 1969;

Thence radially, North 54°58'36" West, 130.00 feet to the Point of Beginning;

Thence North 55°41'28" West, 48.44 feet;

Thence North 33°08'38" East, 181.91 feet:

Thence North 22°52'33" East, 139.78 feet:

Thence North 74°09'04" West, 158.61 feet:

Thence North 16°06'46" East, 195.00 feet to the terminus of said center line.

Situate in the City of Redmond, County of King, State of Washington.

Containing an area of 3,621 square feet, more or less.

#### **EXHIBIT C**

#### CITY OF REDMOND-SR 520 BRIDGE

## LEGAL DESCRIPTION OF STORM WATER PIPELINE EASEMENTS

## PARCEL # 644820-0030 HINES REIT LAGUNA CAMPUS, LLC

A 15.00-foot wide strip of land over and across that portion of Lot T of City of Redmond Lot Line Revision No. 00-001, recorded under Recording Number 20001219900009, records of King County, Washington in the Southwest Quarter and the Northwest Quarter of Section 23, Township 25 North, Range 5 East, W.M., lying 7.50 feet on each side of the following described centerlines:

Commencing at the centerline of SR 520 at Station 499+65.12, per highway R/W plan "SR520 MP 7.04 TO MP 12.96 NORTHRUP INTERCHANGE TO JCT. SR202", approved February 6, 1969;

Thence radially, North 55°44'03" West, 130.00 feet to the Point of Beginning:

Thence North 21°38'09" West, 46.53 feet:

Thence North 31°57'45" East, 199.30 feet to a point hereinafter referred to as Point "A";

Thence North 30°02'49" East, 50.52 feet to a point hereinafter referred to as Point "B":

Thence North 29°58'40" East, 29.26 feet to a point hereinafter referred to as Point "C";

Thence continuing North 29°58'40" East, 20.64 feet:

Thence North 18°38'07" West, 99.69 feet to the terminus of said center line;

#### AND

Beginning at aforementioned Point "A":

Thence South 61°03'51" East, 15.57 feet to the terminus of said center line:

#### AND

Beginning at the aforementioned Point "B";

Thence North 61°12'16" West, 35.53 feet to the terminus of said center line;

#### AND

Beginning at the aforementioned Point "C":

Thence South 61°54'28" East, 14.01 feet to the terminus of said center line.

Situate in the City of Redmond, County of King, State of Washington.

Containing an area of 6,579 square feet, more or less.

## PARCEL # 249990-0020 HINES REIT LAGUNA CAMPUS, LLC

A 15.00-foot wide strip of land over and across that portion of Lot 2 of FC10.5 Hart, LLC, a Binding Site Plan, recorded under Recording Number 199805141617, records of King County, Washington in the Southwest Quarter and the Northwest Quarter of Section 23, Township 25 North, Range 5 East, W.M., lying 7.50 feet on each side of the following described centerline:

Commencing at the centerline of SR 520 at Station 499+65.12, per highway R/W plan "SR520 MP 7.04 TO MP 12.96 NORTHRUP INTERCHANGE TO JCT. SR202", approved February 6, 1969;

Thence radially, North 55°44'03" West, 130.00 feet to the Point of Beginning:

Thence North 21°38'09" West, 46,53 feet:

Thence North 31°57'45" East, 199,30 feet;

Thence North 30°02'49" East, 50.52:

Thence North 29°58'40" East, 49,90:

Thence North 18°38'07" West, 99.69 feet;

Thence North 35°30'35" West, 62.18 feet:

Thence North 53°52'18" West, 104.78 feet;

Thence North 30°04'32" West, 6.84 feet to the terminus of said center line:

Situate in the City of Redmond, County of King, State of Washington.

Containing an area of 3,010 square feet, more or less.